



1685 CROSSTOWN BOULEVARD N.W. • ANDOVER, MINNESOTA 55304 • (763) 755-5100
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City of Andover

Diseased Tree Removal/Sanitation Enforcement Policy

Summer 2007

Revised Spring 2016

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Diseased Tree Removal/Sanitation Enforcement Policy

Section I. General Policy Statement

The City of Andover is home to many specimen trees and woodlands of valuable trees including but not limited to oak, maple, ash and pine. Each year, the future of these resources is under increased pressure due to factors including development and insect and disease problems.

The City considers diseased and hazardous trees to be public nuisances. This policy outlines the strategies that will be used to ensure that diseased trees will be properly treated. This will help save more trees in the community and offset the effects of all insect and disease problems in our urban and community forests.

Currently, oak wilt and Dutch elm disease are two diseases that have wreaked havoc on each species of trees respectively. Each year, hundreds of trees die from these aggressive diseases. Because of the nature of how the diseases spread, proper sanitation of the diseased trees is an important step in preventing further spread to healthy trees. In general terms, sanitation refers to removing and properly treating the wood of the trees, which can be done in one or more of many different ways.

Other insect and disease problems, such as the emerald ash borer (EAB), offer additional long-term concerns. This particular insect kills all species of ash trees and has killed millions of ash trees in the Detroit area; it has now been found in several counties in Minnesota including Anoka County. Because of the large populations of ash in Minnesota and the difficulty in controlling this insect, its continued spread in this state could be devastating.

Due to these ever-growing concerns, it is critical that local units of government insert policies and work with property owners to increase awareness of these current and potential threats. It is equally important that local units of government take a proactive approach to ensure that diseased trees are properly treated by established deadlines.

Finally, this document is subject to modifications and edits as suggested by staff and brought to the City Council for formal approval.

Diseased Tree Removal/Sanitation Enforcement Policy

Section II. Diseased Tree Enforcement Process

Overview:

The following outlines the general process of how the Natural Resources Technician (NRT) or designee will handle typical situations as a result of a suspected or positive diagnosis of diseased or hazardous trees on private properties in the City of Andover. These practices are governed by Minnesota Statutes 18G.13. The specific actions taken are based on tree diseases or hazardous trees that are considered through Andover City Code and State Law to be public nuisances.

How Property Inspections of Diseased or Hazardous Trees are Initiated:

There are generally three different scenarios that trigger an initial property inspection. They are:

1. A property owner (PO) requests the City to perform an inspection on their own property;
2. A complaint is made from another source that requests the City to perform an inspection on a given property; and
3. Diseased or hazardous tree(s) noticed in the field by the City.

General Enforcement Process:

A general process shall be followed based on how the first inspection was initiated. Under each scenario that triggers the first inspection, a series of steps to be taken by the City will be listed.

1. PO Requests Inspection on Their Property:

- a. NRT or designee shall visit site, evaluate property and mark tree(s); will consult with PO and explain findings;
- b. NRT or designee shall send Declaration of Nuisance (see “attachment 1”) to PO; and
- c. Compliance check done by NRT or designee.
 - i. If found to be **in compliance**: no further action taken at this time
 - ii. If found to be **out of compliance**: refer to Section IV.

2. An Inspection on a Given Property Stemming From Complaint:

- a. NRT or designee shall visit site from a public location or private property with permission from owner; will leave notice (see “attachment 2”) or send initial letter (see “attachment 3”) to PO if nuisance(s) suspected;
 - i. **Call back** (from PO):
 1. NRT or designee will consult with PO and ask for permission to enter property; if granted, will evaluate property, mark tree(s) and explain findings;
 2. NRT or designee shall send Declaration of Nuisance to PO; and
 3. Compliance check done by NRT or designee

- a. If found to be **in compliance**: no further action taken at this time
 - b. If found to be **out of compliance**: refer to Section IV.
- ii. **No call back (from PO):**
 - 1. NRT or designee shall send second letter (see “attachment 4”)
 - a. **Call back (from PO):**
 - 1. NRT or designee will consult with PO and ask for permission to enter property; if granted, will evaluate property, mark tree(s) and explain findings;
 - 2. NRT or designee shall send Declaration of Nuisance to PO; and
 - 3. Compliance check done by NRT or designee
 - 1. If found to be **in compliance**: no further action taken at this time
 - 2. If found to be **out of compliance**: refer to Section IV.
 - b. **No call back (from PO):**
 - 1. NRT or designee shall send third letter (see “attachment 5) and Declaration of Nuisance to PO;
 - 2. Whether the property owner calls back or not, the NRT or designee will contact an Anoka County Sheriff Deputy, evaluate property, mark tree(s) and explain findings (if applicable); and
 - 3. Compliance check done by NRT or designee
 - 1. If found to be **in compliance**: no further action taken at this time
 - 2. If found to be **out of compliance**: refer to Section IV.
- 3. *Diseased or Hazardous Trees Noticed in Field by the City:*
 - a. NRT or designee shall follow all the same steps as scenario #2 above.

Additional details:

- “In compliance” refers to property owners who remove the tree(s) and take all of the measures listed in “attachment 7;”
- NRT or designee may mark diseased or hazardous trees with tree marking paint, ribbons, etc. and/or map them at any time;
- NRT or designee shall promptly notify potentially affected, adjacent property owners of disease existence in area (see “attachment 6”);
- NRT or designee will provide adequate literature or indicate where this literature can be found online including, but not limited to, information on the disease(s) present, a list of licensed Andover tree care companies and a handout on proper disposal and treatment of diseased wood (see attachment 7”);
- NRT or designee may send a reminder letter no later than January 15 to property owners who have diseased trees that are considered public nuisances, which will indicate intentions to inspect (perform compliance check);
- If NRT or designee encounters property where there are no trespassing signs and/or there is resistance from a property owner, the accompaniment of a sheriff will be requested prior to inspection;
- Standard compliance checks will begin no earlier than February 1 of each year and will go until all recorded properties have been addressed;
- Special compliance checks will begin no earlier than the date on the Declaration of Nuisance for that particular property.

Diseased Tree Removal/Sanitation Enforcement Policy

Section III. Hiring City Contractor

Option A

Each year, the City may hire one contractor to perform removals and/or treatments of trees considered by the City to be public nuisances. This contractor will be utilized by the City when property owners have failed to meet the deadline set forth in the Declaration of Nuisance. Additional details on this are as follows:

1. The City will set up a bid opening, inviting all Andover licensed tree care companies to submit sealed bids on removal and proper treatment of diseased trees;
2. Interested contractors will provide bids on tree removal and treatment requirements as specified by the NRT or designee including but not limited to the following:
 - a. Cutting down the tree and leaving the stump no higher than 2 inches above the finished grade;
 - b. Hauling away and properly treating all of the wood and brush
3. The City will formulate a formal contract with the hired contractor, which will outline all of the pertinent details describing expectations, responsibilities, timeframes, penalties, etc.; and
4. The length of the contract will be for one year starting the date of the agreement.

There may be situations that have special circumstances. A situation involving a property containing a large volume of diseased trees may be encountered. This may occur on land of a large property owner, such as a farmer.

In these instances, the NRT or designee will decide whether or not it's feasible to use the City contractor for the work. These cases may render the need to hire a logger or land-clearing company to perform the work.

If this situation occurs, the NRT or designee will have the right to get at least two bids from contractors of this sort and hire it out.

If the bid from a contractor exceeds 10% of the land value or a maximum of \$5,000, the nuisance abatement will be subject to City Council approval.

Option B

The City may also operate on a case-by case basis, where three or more contractors are asked to give bids for each situation where a property owner has failed to meet the deadline set forth. In this case, the lowest bid will be accepted. There will be no formal contract set up, but the hired contractor for each job will be held to the same treatment requirements criteria.

Diseased Tree Removal/Sanitation Enforcement Policy

Section IV. Abatement and Assessment Process

For those property owners who fail to abate the public nuisance(s) noted on their property, the City will abate the public nuisance(s) and assess the property as follows:

1. The NRT or designee will quantify the number and sum up the total diameter of all of the trees to be condemned (Option A only);
2. The City contractor will be notified to review the property and will submit a proposal to the City within the timeframe established under the contract;
3. The NRT or designee will provide written authorization to the City contractor (or lowest bidding contractor if working under Option B) to perform the work;
4. Upon completion, the NRT or designee will evaluate the property to ensure conformance to standards and pay the contractor for services provided; and
5. The NRT or designee will send a letter to the property owner summarizing the charges to be paid, and shall report the same to the City Clerk.
6. If the property owner fails to pay the City within the designated time period, the City Clerk shall list all such charges, along with a City administrative cost, against each separate lot or parcel by September 1st of each year as special assessments under Minnesota Statutes Section 429.101, and other pertinent statutes. These special assessments are to be collected commencing with the following year's taxes, unless provided for otherwise by consent and action of the City Council. All assessments levied for the repayment of tree disease abatement costs shall be pursuant to Minnesota Statutes Section 429.101, Subd. 2.

(Attachment 1)
STATE OF MINNESOTA
CITY OF ANDOVER

Declaration of Nuisance-Notice to Abate

City Code 4-3

THIS DECLARATION OF NUISANCE AND NOTICE TO ABATE is hereby made this____
____ day of_____, 20____, pursuant to Andover City Code 4-3.
You are hereby notified that the City of Andover has determined the existence of
_____(nuisance) at property located at
_____(address). According to records on file with the
City, you are the property owner. You are hereby ordered to abate the nuisance by
undertaking the following corrective action:

**Removing the marked tree(s) and leaving the stump(s) no higher than two inches
above the surrounding grade and properly treating the wood in accordance with
the directions set forth in the "Proper Disposal/Treatment of Diseased Wood"
form.**

This abatement action must be completed by_____, 20____
and in conformance through a compliance check by the Natural Resources Technician
or designee. Be advised that any contractors used in the City of Andover must be
licensed by the City.

If you fail to complete the necessary abatement action by the deadline set forth above,
the City may undertake to abate the nuisance directly and may commence legal action
against you to abate the nuisance. Pursuant to city ordinance, any costs incurred by the
City in abating the nuisance will be reported to the City Clerk as a cost to be levied as a
special assessment on the real estate taxes for this property.

Please understand that you have the right to appeal this nuisance declaration with the
City Council by filing a written appeal demand with the City Clerk within ten (10)
business days of the date hereof. Should you fail to do so, the Order will become final.
Please do not disregard this notice. Please contact the Natural Resources Technician at
763-767-5137 if you have any questions.

Date:_____

Natural Resources Technician

(Attachment 2)

City of Andover
1685 Crosstown Blvd. NW
Andover, MN 55304
763-755-5100
www.andovermn.gov

Date: _____

Address: _____

Inspector: _____

NOTICE

Upon a recent inspection, the City of Andover Tree Inspector has observed the presence of one or more of the following on your property:

- ☐ Oak wilt
- ☐ Dutch elm disease (DED)
- ☐ Emerald ash borer (EAB)
- ☐ Other _____

Under Andover City Code and Minnesota Law, the disease(s) listed are considered public nuisance(s), which are required to be treated. **Please contact the City Tree Inspector at 763-767-5137 within 10 days from the date of this notice to discuss treatment options.** A formal Declaration of Nuisance describing minimum treatment measures, deadlines, etc. along with attachments will be sent under separate cover. Your cooperation is greatly appreciated.

Notes _____



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(Attachment 3)

Date

Owner/Occupant

Address

Andover, MN 55304

Re: Diseased Tree Suppression Program/**Project #**_____

Dear Property Owner:

This letter is to inform you that, based on a recent inspection, there is _____**(nuisance)** located on your property. _____**(nuisance)** is a devastating disease, which continues to kill many _____**(type of tree it infects)** in the Anoka Sandplain and in Andover every year. City staff would like to work with you to try and prevent the disease from spreading to other parts of your property and/or other parts of the City.

To get information on _____**(nuisance)** and a list of licensed tree care companies in the City, go to the City's website under the links "Your Government" and "Natural Resources." If you contract the work out, the contractors used must be licensed by the City. Under Andover City Ordinance and Minnesota Law, trees infected with _____**(nuisance)** that are not properly treated are considered a public nuisance, which property owners are required to remedy. Therefore, steps must be taken to deal with the problem. A copy of Andover City Code 4-3 is available on request and is also on the City's website.

Please give me a call at 763-767-5137 within 10 days from the date of this letter to discuss treatment options. I would be happy to offer advice or take questions or concerns you may have.

Your cooperation is greatly appreciated.

Sincerely,

Kameron Kytonen
Natural Resources Technician

Encl.



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(Attachment 4)

Date

Owner/Occupant
Address
Andover, MN 55304

Re: Diseased Trees Removal/Sanitation Enforcement Policy (**Project #__**)

Dear Property Owner:

There has been no record of any contact from you as requested from the first letter dated _____(**date**) regarding the _____(**nuisance**) problem at _____(**address**). Under Andover City Ordinance and Minnesota Law, properties that have trees infected with _____(**nuisance**) that don't receive adequate treatment are considered a public nuisance, which property owners are required to remedy. Therefore, steps must be taken to deal with the problem. A copy of Andover City Code 4-3 and the Diseased Tree Removal/Sanitation Enforcement Policy are available on request and are also on the City's website.

Part of the process under the contents of the Policy is to mark the tree(s) that need to be removed and to follow up with a formal document with a deadline of when the tree(s) shall be removed and properly treated.

Please give me a call at 763-767-5137 within **ten** days from the date of this letter to discuss the treatment options and requirements and to schedule a time for staff to mark the trees that need removal.

Your cooperation is greatly appreciated.

Sincerely,

Kameron Kytonen
Natural Resources Technician

Encl.



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(Attachment 5)

Date

Owner/Occupant

Address

Andover, MN 55304

Re: Diseased Tree Removal/Sanitation Enforcement Policy (Project #15-19)

Dear Property Owner:

There has been no record of any contact from you as requested from the second letter dated _____(date) regarding the _____(nuisance) problem at _____(address).

Part of the process under the contents of the Andover Diseased Tree Removal/Sanitation Enforcement Policy is to mark the tree(s) that need to be removed and to follow up with a formal document with a deadline of when the tree(s) shall be removed and properly treated.

Staff will proceed to mark the tree(s) with an Anoka County Sheriff's Department deputy accompaniment. Attached is the Declaration of Nuisance ordering abatement of the _____(nuisance) and a handout on proper disposal/treatment of the diseased wood.

Your cooperation is greatly appreciated.

Sincerely,

Kameron Kytonen
Natural Resources Technician

KK:rja

Encl.

(Attachment 6)

City of Andover
1685 Crosstown Blvd. NW
Andover, MN 55304
763-755-5100
www.andovermn.gov

Date: _____

Address: _____

Inspector: _____

NOTICE

This is to make you aware that based upon a recent inspection in your neighborhood, the City of Andover Tree Inspector has observed the presence of one or more of the following:

☐

Oak wilt

☐

Dutch elm disease (DED)

☐

Emerald ash borer (EAB)

☐

Other _____

There is a threat that the disease may spread to your property. Under Andover City Code and Minnesota Law, the disease(s) listed are considered public nuisances, which are required to be treated. Please call the City Tree Inspector at 763-767-5137 for further discussion. Your cooperation is greatly appreciated.

Notes _____

(Attachment 7)

PROPER DISPOSAL/TREATMENT OF INSECT OR DISEASE INFECTED WOOD

Red oak wood from oak wilt infected oaks, with bark intact, that is potentially spore-producing (PSPT), ash wood from trees infected with Emerald Ash Borer (EAB), elm and pine wood from trees infected with Dutch Elm Disease (DED) and Pine Bark Beetle respectively or any elm or pine wood with bark intact shall be properly treated to prevent overland spread of the insects or diseases per City Code and Minnesota Law. This shall be done by one of the following ways:

1. CHIPPING OR GRINDING: the chips **are** safe to use after for landscaping purposes, as they **will not** spread the insects or disease if left out in the open; for EAB infected ash, the wood chip dimensions must be no bigger than 1" by 1" by 1";
2. DEBARKING: for EAB infected ash, remove all bark and at least 0.5" of outer wood;
3. BURNING: this can be done any time of year, as it is an obvious choice for preventing overland spread; if stored as firewood during the growing season, see below information;
4. TREATING: this can be done by heat treating, kiln drying, fumigating, seasoning or another method approved by the Minnesota Department of Agriculture (MDA);
5. TRANSPORTING: taking the wood to an approved disposal site in Anoka County; **DO NOT TRANSPORT INFECTED WOOD OUTSIDE THE COUNTY UNLESS IT'S BEEN APPROVED BY THE CITY OR MDA; DO NOT IMPORT WOOD FROM ANOTHER COUNTY UNLESS IT'S BEEN APPROVED BY THE CITY OR MDA; EAB quarantines ARE in effect for Anoka County**; click on www.mda.state.mn.us/en/plants/pestmanagement/firewood.aspx for additional information on firewood restrictions and safe handling guidelines;
6. PROPERLY COVERING AND SEALING: any wood that is stored with bark intact shall be loosely covered and sealed with a 4 to 6 mil heavy plastic tarp or sheeting; the best way to do this is as follows (see diagram on next page):
 - a. Dig a 4-inch trench **completely around** the wood pile;
 - b. Cover the wood pile with a tarp or sheeting that is large enough to **completely cover** the pile;
 - c. Overlap the ends of the tarp or sheeting, so it extends beyond the trench;
 - d. Fill the trench with dirt to **completely seal** the wood pile.

If dirt cannot be used or a trench cannot be dug because the ground is frozen, too hard to dig, etc., the ends of the tarp shall be weighted down completely on all edges.

Other Key Information:

- The diseased wood **does not** need to be properly covered and sealed during the months of November thru March;
- Red oak trees that have died of Oak Wilt in the summer may be potentially spore-producing the following spring and summer only; thus, the wood is only a hazard for **one growing season (April 1 thru October)**;
- Elms and pines are hazardous until the bark falls off the wood, so their may be **one or more growing seasons** when the wood is a hazard;
- A hazardous wood pile that is properly covered and sealed may be uncovered and accessed (i.e. to grab a piece of firewood) as long as it is immediately covered back up and sealed to prevent disease spread.

**Diagram of cross-section of proper covering and sealing
(all sides completely covered)**

